

timing of emitting light, when the display screen is made to emit light to perform detection of said photo shooting position.

16. (Amended) A photographing game machine according to claim 1, where in said detector further comprises an infrared light emitter for irradiating a point on the screen for use in detection of the photo shooting central position.

17. (Amended) A photographing game machine, comprising:  
a simulated camera input device having a light receiving section and a coordinate detection section, said simulated camera input device allowing a subject included in a photo shooting range to be seen through a window said window being part of said input device;

a display device displaying a predetermined game screen including a target to be photographed; and

a game operation section performing predetermined game operations based on a position on said game screen, at which said simulated camera input device is pointed.

#### REMARKS

Reconsideration is respectfully requested.

Claims 1-17 are pending in this application. Claims 1, 16 and 17 are amended.

The Examiner has indicated that the amendments filed with our last response have overcome the formal rejections raised in the last Office Action under 35 U.S.C. §101, and 35 U.S.C. §112.

The Examiner request submission of a substitute specification. A substitute specification is enclosed herewith. The substitute specification contains no new matter. Applicants' attorney is a native English language speaker and had some difficulty locating any portions of the specification as originally filed that were in need of modification. If the Examiner has any specific areas to which our attention should be directed, we would appreciate such indication.

The Examiner states the claims will be interpreted to recite an input device being shaped like a camera, and that the wording refers to the physical shape of the input device, in light of the previous response changing "camera input device" to "simulated camera input device". Applicants wish to clarify that what the input device simulates is not merely a decorative design choice. The Examiner stated in the previous office action that the shape of the input device holds no patentable weight. The applicants respectfully traverse this characterization, again. The wording should be interpreted to mean an input device that simulates a camera in a number of ways including in a physical way. The Examiner has over-simplistically, equated using a gun to using a camera and seems to have dismissed the importance of creating a game which judges ones skill as a photographer. Applicants submit in the "real world" a good marksman is not necessarily a good photographer, nor vice versa. Similarly the better of two players of a shooting game may not necessarily be the better

player in applicants' photographing game. To equate the two is an oversimplification.

The Examiner has objected to claim 16 on formal grounds related to a typographical error. Claim 16 is amended to address this issue. Applicants thank the Examiner for noting this error.

The Examiner has rejected claims 1, 3-5 & 14 as obvious under 35 U.S.C. §103(a) over Igarashi (U.S. 5,569,085) in view of Tanaka et al (U.S. 6,120,379). Applicants respectfully traverse.

The Examiner states, "Igarashi fails to teach that the target is to be "photographed". Target games are extremely well known in the art. Tanaka teaches a camera input device for game machines. (Fig 1) Photography is a popular pastime." Applicants respectfully feel the Examiner is applying the references too broadly, and has made a leap of logic applying Igarashi as a one-size-fits-all reference applying it to things not suggested by Igarashi such as use as a photography game.

The applicants respectfully take issue with the Examiner's repeated assertion that it would be obvious to apply a popular pastime such as photography to the prior art game machine technology. Theme selection for video games is generally not determined using pastimes as a guide. Some popular video games include such themes as shooting, fighting, driving at dangerously high and illegal speeds, and looking for mythical objects in fanciful worlds. These are not popular pastimes. The apparent simplicity of applicants' device does not render it obvious. The applicants have made a significant and inventive contribution to

the art. Applicants submit the video and computer game industry teaches away from popular pastimes and more toward more unusual activities. Applicants submit the reference to consider to understand the photography game art have been disclosed in the instant application on page 2 line 4 "Japanese Patent Laid-open No. 2000-70548". This reference discloses a photography game in which photos are actually taken. The disadvantages are discussed and include increased processing requirements and equipment cost, and external light interference.

Even if one were motivated to use the portable camera disclosed by Tanaka et al to create a photography game it would not solve the problem the applicant has solved. Tanaka's portable camera would move too much and yield blurry pictures. Using Tanaka's device amounts to "real life" photography, i.e. no simulation. The user must hold the camera still long enough, depending on the shutter speed, and ensure proper lighting and adjust the aperture accordingly. Asserting that looking to a real life situation to create a game renders the game obvious, would render almost all games obvious. The object of the instant invention is to test the photography skills of the players judged against simulated very challenging and professional use, i.e., a sports photographer capturing the instant a bat strikes a baseball. Tanaka's camera could not be used to simulate such usage, and if combined with Igarashi's shooting game would not yield applicant's invention.

Claims 3-5 depend from and include all the limitations of base claim 1, regarded as allowable. Claims 3-5 are therefore also considered allowable.

Claim 14 recites "An information storage medium comprising ...a simulated camera input device is pointed, and performing different game processing depending on relative positional relation between this detected position and a predetermined target on said game screen." As discussed above, combining Igarashi and Tanaka would not yield Applicants' invention as claimed in this claim either. Without the benefit of hindsight the skilled artisan would not be motivated to combine these two. And even if combined applicants invention would not result.

In view of the above, these claims, 1, 3-5 and 14, are submitted to be allowable.

The Examiner has not listed claim 17 among the claims rejected over any art. Applicants believe this was on oversight because claim 17 is listed on page 5 of the action, followed by references to Igarashi and Tanaka similar to those already made.

Claim 17 is respectfully submitted to be allowable for reasons corresponding to those presented above with respect to claim 1.

The Examiner has rejected claims 2, 7-13 & 15 under 35 U.S.C. §103(a) over Igarashi and Tanaka et al as applied to claim 1, and further in view of Yoshida (U.S. 5,795,224) and Sawano et (U.S. 6,285,381). Applicants respectfully traverse.

Claims 2 & 7-11 include all the limitations of claim 1 from which they depend. Claim 1 is believed to be in condition for allowance as discussed above. Therefore claims 2 & 7-11 are believed to be allowable.

Claim 2 includes the limitations "...imitational photographed image...centered around the position on said game screen, at which said simulated camera input device is pointed, wherein said extracted image is less than the entire screen." Yoshida discloses in Column 5, lines 50-54, "when the gun is located at the right most end of the gun guide groove 15 (see FIG. 7A), a right most portion of the complete game image is displayed as the game image." Yoshida's device replaces the displayed image with a portion of the complete game image. Moving the gun changes the displayed game image from a 1st portion of a superset to a 2nd portion of a superset. Yoshida's superset is never completely visible. No duplication takes place. Applicants' device retrieves and duplicates a subset and leaves the superset intact. Applicants' superset is always visible. Yoshida's image is not centered on a predetermined range centered on the aiming point. If that were the case the player could never dodge the incoming bullet, a main feature of Yoshida's disclosure.

The Examiner has asserted that the shortcoming of Yoshida's disclosure can be overcome by looking to Sawano. The Examiner writes: "While Yoshida teaches displaying an image that is less than the entire scene, it is not clear that this image is less than the entire screen. Sawano, a photography game, teaches

"cropping" an image to less than the entire image in order to allow the player to create a more pleasing image."

Sawano discloses an image processing device wherein the user specifies a cutout image, which can be combined with original image data. Please refer to Column 7, lines 47- 53, "...such original image data comprises...polygons...and texture (pattern tiles) data to be pasted onto certain parts of such an image ...such as hands, legs, body..." Applicants own stated objective "to provide a photographing game machine in which the processing load is relieved. The skilled artisan would surely not look to Sawano find means to reduce processing loads. Even if motivated to do so applicants inventive solution couldn't be found in Sawano even with Igarashi, Tanaka and Yoshida before him.

Claim 7 includes "...a photographed image extracting units for cutting off image data included in a predetermined photo shooting range". Claim 9 includes "...said photographed image extraction unit defines as said photo shooting range a definite area centering around said photo shooting position." As discussed above, these limitations, among others in the claims, are not shown in, or made obvious by the references applied by the Examiner.

In rejecting claims 8 and 15 the Examiner has restated his 'photography as a popular pastime' argument which applicants respectfully believe is a misapplication of the references as discussed above. Further claim 8 depends from and includes all the limitations of claim 7, believed to be allowable. Claim 15

is independent. The Examiner asserts "cutting of image data" is the same as taking a photograph. Applicants' device does not take photographs, but is a game that simulates taking photographs. As discussed above, Tanaka's device is a camera, which takes real pictures, mounted on game. Asserting that looking to a real life situation to create a game renders the game obvious, would render almost all games obvious.

Claim 10 as amended includes "inserts said game screen between any two consecutive screens that might be made to emit light by said screen lighting unit to prevent merging thereof into a single continuous screen emitting light". As pointed out to the Examiner in our last response the purpose is to prevent two flash screens from merging into one. If two flash screens merge into one, then only one flash is perceived, whereas with applicants' system, the flash screens would not merge, and plural distinctive flashes could be observed, which is desirable. The Examiner has failed to show an example in the prior art where separate flashes are used in this way.

For the reasons discussed above in particular with regard to claim 1 applicants submit claim 12 is in condition for allowance.

Similarly based on the arguments presented above, applicants believe they have overcome the Examiner's rejection of claim 13.

The Examiner has rejected claim 6 under 35 U.S.C. §103(a) over Igarashi and Tanaka et al as applied to claim 1, and further in view of Furakawa (U.S. 4,602,709).

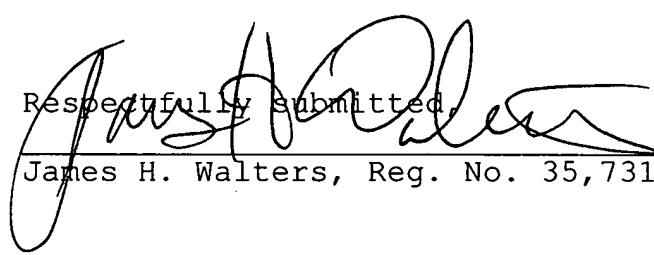


Claim 6 depends from claim 3, which as discussed above is believed in condition for allowance as depending from an allowable claim.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

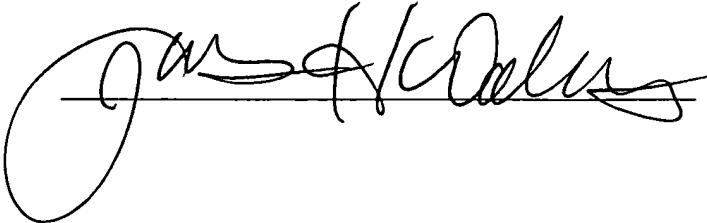
Respectfully submitted,

  
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MARKUP VERSION TO SHOW CHANGES MADE

In the Claims:

1. (Twice amended) A photographing game machine,  
comprising:

a simulated camera input device allowing a subject included  
in a photo shooting range to be seen through a window, said  
window being part of said input device wherein said input device  
is provided with a detector to enable detection of a photo  
shooting central position;

a display device displaying a predetermined game screen  
including a target to be photographed; and

a game operation section performing predetermined game  
operations based on a position on said game screen, at which said  
input device is pointed.

12. ( Twice amended) A photographing game machine  
comprising:

an input device allowing a subject included in a photo  
shooting range to be seen through a window said window being part  
of said input device;

a display device displaying a predetermined game screen  
including a target to be photographed;

a photo shooting position detection mechanism detecting as a  
photo shooting position a selected position on said screen, at  
which said input device is pointed, by making the display screen  
of said display device emit light; and

photographed image extracting unit for cutting off image data included in a predetermined photo shooting range including said photo shooting position out of image data corresponding to a non-light-emission screen displayed in timing before or after timing of emitting light, when the display screen is made to emit light to perform detection of said photo shooting position.

16. (Amended) A photographing game machine according to claim 1, where in said detector further comprises [and] an infrared light emitter for irradiating a point on the screen for use in detection of the photo shooting central position.

17. (Amended) A photographing game machine, comprising:  
a simulated camera input device having a light receiving section and a coordinate detection section, said simulated camera input device allowing a subject included in a photo shooting range to be seen through a window said window being part of said input device;

a display device displaying a predetermined game screen including a target to be photographed; and

a game operation section performing predetermined game operations based on a position on said game screen, at which said simulated camera input device is pointed.